

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11856 of 2021

Arising Out of PS. Case No.-285 Year-2016 Thana- MANJHI District- Saran

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Dharmendra Yadav Son Of Nand Lal Yadav R/O Village Tazpur Phulwariya
(CHEPHUL Dasi Tola), P.S Manjhi, District Saran At Present Mohalla
Matihana, P.S Bohragora, District East Singhbhum Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-02-2024 Heard learned counsel for the parties.

2. This application has been filed for quashing the FIR bearing Manjhi P.S. Case No. 285/2016 registered for offences under Sections 323, 324, 304(B), 504/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that for the same occurrence Ghatshila UD Case No. 7 of 2016 has been instituted regarding the death of Seema Kumari and after post mortem, the dead body was handed over to the husband of the deceased. Informant was also present at the time of the cremation. It is further submitted that after proper investigation by the police, the death of the deceased was found to be accidental. Moreover, final form has been submitted under



Section 174 Cr.P.C. and petitioner has been exonerated of any criminal charge.

4. However, learned counsel for the State opposes the prayer of the petitioner and submits that sufficient materials are available against the petitioner. There is specific and direct allegation against the petitioner that he along with others committed murder of the deceased.

5. Having heard the parties and perused the materials available on record, this court is of the opinion that the grounds which have been raised by the petitioner are his defence, which can only be considered by the trial court after leading evidence. At this stage, it cannot be said that no offence is made against the petitioner.

6. Accordingly, this quashing application is dismissed.

(Prabhat Kumar Singh, J)

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